

# **EXHIBIT D**



Monday, June 22, 2020

## STATEMENT OF POLICE COMMISSIONER DERMOT SHEA

### STATEMENT FOR NYS ATTORNEY GENERAL'S PUBLIC HEARING ON POLICE AND PUBLIC INTERACTIONS DURING PROTESTS MONDAY, JUNE 22, 2020

Good afternoon Attorney General James. I am Dermot Shea, the Police Commissioner of the City of New York. I am the proud leader of the men and women who compose the New York City Police Department (NYPD). I am joined here today by Oleg Chernyavsky, the NYPD's Assistant Deputy Commissioner of Legal Matters. I want to thank you for the opportunity to testify about the Police Department's performance during recent protests, riots and organized criminality that all New Yorkers, the nation and the world watched unfold in our city.

The freedom to peacefully assemble and freedom of speech are constitutionally protected rights valued by all Americans and the NYPD alike. The ability to express yourself freely and openly on the streets of this city in moments of celebration or outrage, such as the abhorrent murder of George Floyd, is a tradition as old as New York. It is in our DNA as New Yorkers.

Ensuring that every person in the city can do so in a manner that is safe and reduces the risk of harm is an essential role of the NYPD. In a free democratic society, as law enforcement personnel, we are called to not only support the legal right of citizens to protest, regardless of the subject, but also to facilitate organized demonstrations and to ensure the right of legal dissent as protected by the First Amendment.

While the current continuing protests are peaceful, the city experienced turmoil during the early days of these demonstrations - and unfortunately, some of these demonstrations devolved into riots, unlawful assemblies, and other acts of criminal behavior. Some used these public demonstrations, protests, and marches as opportunities to engage in acts of vandalism, arson, property destruction, looting, and most notably, targeted attacks against police officers.

Windows can be replaced, buildings repaired, inventories restocked – though with great consternation. The physical and psychological toll of the violence carried out by individuals and groups that exploited an otherwise peaceful and important movement in the struggle against racial injustice – has been severely damaging.

As many New York City businesses prepared to open, beginning a gradual return to some semblance of normalcy after over three months of physical distancing and COVID-19 related closures – the situation caused by looting and property destruction will undoubtedly exact a heavy toll on local business owners throughout the five boroughs.

As police officers were trying to do their job, they were attacked with bricks, knives, trash cans, vehicles, glass bottles and other projectiles, as well as homemade incendiary devices like Molotov cocktails. Department vehicles were set ablaze and precinct houses were attacked. This was some of the worst rioting that occurred in our city in recent memory. Nearly 400 NYPD personnel were injured. 65% of our injured personnel had to be treated at a hospital. Over 100 of our officer's



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injuries were severe enough that they have not yet returned to duty in the 2-3 weeks since they were attacked.

This is the backdrop for your inquiry. I recognize that there has been criticism about the Department's performance during these protests. The Department, as well as our oversight bodies, are carefully looking at the conduct of some of our officers. As the leader of this agency, I will affirm that unlawful activity and violations of our standards of conduct and regulations will be addressed – and we have already begun to do so.

Most importantly, what I want the men and women of the NYPD to hear from me is that I am thankful for their service during this challenging time, and I am proud of their performance in policing these protests, ending the riots and upholding the rule of law.

The residents of this city have gotten to know their officers over these last few years – that's what Neighborhood Policing was designed to do. We have asked so much from them over the last few months. I know they are tired, stressed and feel underappreciated. During the city's COVID response, over 4,500 uniformed and 1,200 civilian members tested positive, and 45 members lost their lives to the virus. What made this pandemic so unique is that unlike the dangers faced by our police officers every day – every time they put on their uniforms, this time they were putting their families – their children in harm's way when they returned home after their tours. Over these last few months, they have dealt with the most difficult circumstances anyone can imagine, and we continue to ask more of them.

I am here today because I believe it is important to tell our officers' stories and give an accounting of events during these last few weeks:

- On Friday, May 29<sup>th</sup>, multiple NYPD details were assigned to police what was supposed to be a peaceful demonstration at the Barclays Center in Brooklyn. By 6:30 PM that evening, the demonstration descended into violence. Officers were pelted with rocks, glass bottles, and other projectiles. Fireworks were shot in the direction of police personnel. Multiples fires were set on the plaza outside of the Barclay's Center. The violence continued at the 88<sup>th</sup> Precinct and 79<sup>th</sup> Precinct which were nearly overrun by protestors and officers were hit by bricks. Molotov cocktails were thrown at police vehicles with officers barely escaping injury. Multiple Department vehicles were set on fire and attacks on NYPD officers carried on throughout the night.
- It continued on Saturday, May 30<sup>th</sup>, on Tilden Avenue in Brooklyn, police officers were dragged out of their cars by a mob. On Bedford Avenue that evening, Department vehicles were once again set on fire, buses were stopped from traveling in the roadways, and cinderblocks were thrown at police officers. A firearm was recovered from one of these protestors. Several disorderly groups occupied Union Square in Manhattan and fires were set.
- On the evening of Sunday May 31<sup>st</sup>, and the early morning hours of June 1<sup>st</sup>, despite somewhat peaceful day-time protests, thousands entered the streets and began looting and



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burglarizing stores and other businesses in Manhattan and the Bronx. Storefronts and door entries were shattered and officers were attacked throughout the evening and early morning. On the evening of June 1<sup>st</sup>, with an 11PM city-wide imposed curfew in effect, looting throughout the City occurred. Firearms and other weapons were recovered from those engaging in looting.

- On the evening of June 2<sup>nd</sup>, with an 8PM curfew in effect, our officers engaged in an hours long stand-off with a large demonstration on the Manhattan Bridge. Thanks to the tremendous amount of discretion and restraint shown, our officers were able to successfully disperse the crowd to the Brooklyn side, preventing further looting and damage to lower Manhattan – which was the epicenter of the looting. While officers blocked the bridge entrance into Manhattan, demonstrators were permitted to exit on the Brooklyn-side, which almost all opted to do.
- On June 3<sup>rd</sup>, two officers assigned to an anti-looting foot post were attacked by a knife-wielding assailant. One officer suffered a serious stab wound to the neck and two others sustained gunshot wounds.
- On Thursday, June 4<sup>th</sup>, the Bronx played host to a “F--k the Police Rally.” Social media invites to this event encouraged injuring police officers and looting, resisting arrest and fire-bombing police vehicles. Invites also encouraged local gangs to converge on the event site to harm police and destroy property. The Department recovered a firearm, gasoline canisters, lighter fluid, hammers, spray paint, fireworks, and other incendiary devices from participants.

Despite these incredible circumstances, our officers persevered. They took enforcement – they made arrests and issued summonses. They kept moving forward and they brought order back to the city. We all owe our officers our gratitude.

As we have made clear time and again, the Department embraces scrutiny and oversight because it prompts us to review, and reflect upon, our policies and practices. We are not a perfect organization – but what I am committed to doing is giving this panel our full cooperation, and the complete picture. Not small snippets of video or social media posts that tell one-side of the story or distort reality. We are going to provide the video and written records you need to conduct your inquiry. Context is critical to your review, and I will ensure that the attacks on our officers and the stresses they endured each day are part of this record. And I commit to our officers that each of your attackers will be brought to justice.

I want to conclude by acknowledging that this panel has sat through numerous hours of public testimony, almost all of it critical of the NYPD. I want to note that arrests, summonses, and other perceived negative interactions are really the exception during these protests, and not the rule. Our officers have made millions of contacts during these last several weeks, most of them positive. We have facilitated many peaceful demonstrations and have accommodated the organizers and



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participants at these events. When an officer crossed the line of acceptable police practice, we took quick disciplinary action, and I commit to continuing to do so.

During watershed moments such as these, introspection is important. Our officers deserve the best training available so that they are put in positions to successfully resolve challenging confrontations with the public. Early on during these protests, officers saw tactics that we had not seen in decades. A small number of people took advantage of these demonstrations to incite violence and capture the police response. Tactics such as pelting officers with bricks, and cement-filled tennis balls and bottles made it extremely difficult, if not impossible, for responding officers to deal with those inciting violence while avoiding interaction with peaceful protestors. I acknowledge that in this respect we as a Department must strive to do better, both for the public we serve and our officers alike. I have been looking at these incidents with members of my executive staff with the goal of taking meaningful action.

However, I strongly push back against the notion that we are a violent, racist, and lawless agency, like some have recklessly alleged. These are sentiments that police officers and I have fought against our entire careers. In fact, all of the critical data demonstrates the opposite – that the Department is the most restrained, diverse, and, dare I say, progressive police agency in the country. To those critics who believe that police officers are different from the general population, I say that they are just like you. They are human. They look just like you. They have passion like you. They cry like you. They get outraged like you. And when it comes to police reform, many have joined this Department and dedicated their lives to do just that. The gulf between our police and the communities they serve is not as wide as many would believe or others try to make them believe.

Every man and women who wears an NYPD uniform is dedicated to serving New Yorkers in every neighborhood and to working around the clock to keep families and individuals safe from the trauma of crime and violence. While we have more work to do to bridge the gap with our communities, we have achieved so much over the last six and a half years. I have had a front row seat to this as an NYPD executive, and now the Police Commissioner, during that time. Arrests and summonses are at historic lows, and we have implemented a Neighborhood Policing philosophy that vigorously fights crime while continuing to build trust with the residents of New York who remain our greatest partners in ensuring the highest levels of safety for all. This work will continue as we emerge from this moment.

Thank you for the opportunity to testify today, and I am happy to answer your questions.